

ASSEMBLY BILL

No. 1468

Introduced by Assembly Member Pavley

February 21, 2003

An act to add Article 8 (commencing with Section 41985) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1468, as introduced, Pavley. Air quality: negative air machines.

(1) Existing law designates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources, and, subject to the powers and duties of the State Air Resources Board, requires that districts adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction.

This bill would require each negative air machine in the state, as defined, to be leak tested on the site of any asbestos abatement project that requires the removal of more than 100 square feet of asbestos, prior to the commencement of the project. The bill would require a negative air machine to be conducted by an independent testing company, and would prohibit contractors from testing their own equipment. The bill would require the independent testing company to issue a certification to the abatement contractor that owns or operates a machine, and to affix

the certification to the negative air machine. The bill would require the district with jurisdiction over the area where the asbestos abatement project occurs to enforce the testing and certification requirements. The bill would, in addition to any other sanctions under existing law, subject any person who violates any of those requirements to a citation and an administrative fine in an amount determined by the district. By imposing additional duties on districts, this bill would impose a state-mandated local program.

(2) Existing law makes a violation of any provision of the nonvehicular air pollution control laws in the state, including any rule, regulation, permit, or order of the state board or a district, a misdemeanor.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 8 (commencing with Section 41985) is
2 added to Chapter 3 of Part 4 of Division 26 of the Health and Safety
3 Code to read:

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5 Article 8. Negative Air Machines

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7 41985. The Legislature finds and declares all of the
8 following:



1 (a) Substantial medical and scientific evidence indicates that
2 human exposure to asbestos fibers significantly increases the risk
3 of contracting cancer and other debilitating or fatal diseases,
4 including, but not limited to, asbestosis. There is no known
5 threshold level of exposure at which adverse health effects are not
6 anticipated.

7 (b) Asbestos materials were commonly used in this state in
8 public and private schools, state and federal buildings, commercial
9 buildings, as well as in residential homes and apartments for
10 fireproofing, soundproofing, decoration, thermal insulation, and
11 other purposes. As an insulating material and fire retardant,
12 asbestos is part of plumbing, heating, air conditioning insulation,
13 and plaster, carpet, tile and roof materials, masonry, stonework,
14 and concrete work.

15 (c) Removal or disturbances of materials containing asbestos
16 can result in the release of airborne asbestos fibers, especially if the
17 material is reducible to powder by hand pressure. This may result
18 in exposure of employees and the public to potentially dangerous
19 levels of asbestos.

20 (d) Negative air machines are used in asbestos abatement work
21 to maintain the desired negative pressure inside the abatement
22 enclosure, provide adequate air changes within the enclosure for
23 ventilation and worker safety, and to capture asbestos fibers drawn
24 from inside the abatement enclosure in a HEPA filter.

25 (e) For the protection of public health from carcinogenic air
26 emissions, it is vital to ensure that when asbestos abatement is
27 undertaken, that negative air machines are tested for leaks to
28 ensure that only clean, asbestos-free air is exhausted to the outside
29 or recirculated within the building.

30 41986. For the purposes of this section, the following terms
31 have the following meanings:

32 (a) "HEPA" means a high-efficiency particulate air filter that
33 is capable of trapping and retaining at least 99.97 percent of all
34 monodispersed particles of 0.3 micrometer in diameter or larger.

35 (b) "Negative air machine" means a machine or contrivance
36 whose primary use is to remove airborne asbestos contaminants
37 from residential or commercial abatement projects by passing
38 asbestos-containing air from an isolated work area by means of
39 negative air pressure to a HEPA filtration system.

1 41987. (a) Each negative air machine, including, but not
2 limited to, each air pressure differential unit, make-up air filter,
3 and vacuum, shall be leak tested on the site of any asbestos
4 abatement project that requires the removal more than 100 square
5 feet of asbestos, prior to the commencement of the project.

6 (b) Each leak test shall include a test of the wheel attachments,
7 control panel, seam and rivets of the housing, and the HEPA filter.

8 (c) A leak test shall also be performed after each HEPA filter
9 change.

10 (d) Testing of a negative air machine shall be conducted by an
11 independent testing company. Contractors may not test their own
12 equipment. Upon completing a leak test on a negative air machine,
13 the independent testing company shall certify the leak test.

14 (e) The independent testing company shall issue a certification
15 to the abatement contractor that owns or operates the machine, and
16 shall affix the certification to the negative air machine. The owner
17 or operator of the machine shall keep a copy of the certification on
18 site.

19 (f) Any unit that fails a leak test required by subdivision (a)
20 shall be repaired on-site or removed from the site and replaced
21 with a unit that successfully completes a leak test.

22 (g) The district with jurisdiction over the area where the
23 asbestos abatement project occurs shall enforce the requirements
24 of this section.

25 (h) In addition to any other sanctions under existing law, any
26 person who violates any of the provisions of this section is subject
27 to citation and the imposition of an administrative fine by the
28 district in an amount determined by the district.

29 SEC. 2. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution for
31 certain costs that may be incurred by a local agency or school
32 district because in that regard this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.

38 However, notwithstanding Section 17610 of the Government
39 Code, if the Commission on State Mandates determines that this
40 act contains other costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code. If the statewide cost of the
4 claim for reimbursement does not exceed one million dollars
5 (\$1,000,000), reimbursement shall be made from the State
6 Mandates Claims Fund.

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